

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JESSICA ANN WILSON,)	
)	CASE NO. 4:22CV1811
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
CORECIVIC INC., <i>etc.</i> , <i>et al.</i> ,)	
)	ORDER
Defendants.)	[Resolving ECF No. 77]

Pending is Plaintiff Jessica Ann Wilson’s Objection to Defendants CoreCivic, Inc., dba Northeast Ohio Correctional Center, and David Bobby’s Expert Medical Report and Motion *in Limine* ([ECF No. 77](#)). The Court has been advised, having reviewed the record, the parties’ briefs,¹ and the applicable law. For the reasons that follow, the Court overrules Plaintiff’s Objection and denies Plaintiff’s Motion *in Limine* ([ECF No. 77](#)).

I.

Defendants submitted a Supplemental Expert Report dated November 22, 2023 ([ECF No. 87-8 at PageID #: 1497-1523](#)), which was prepared by Joseph V. Penn, MD, CCHP FAPA (Defendants’ expert psychiatrist) after Dr. Penn had conducted an examination of Plaintiff on November 7, 2024. Plaintiff argues that the raw psychological testing data collected by Dr. Penn is essential to understanding that report. At the time [ECF No. 77](#) was filed, the data had not been

¹ Plaintiff did not file a permissive reply in support of [ECF No. 77](#) after Defendants responded. See [Local Rule 7.1\(e\)](#).

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forwarded to Plaintiff's counsel as required by an agreement of the parties.² Plaintiff contends she had, therefore, been unable to effectively respond to Defendants' Motion for Summary Judgment ([ECF No. 74](#)), filed on November 22, 2023. For this reason, Plaintiff objects to the admission or use of Dr. Penn's report ([ECF No. 87-8 at PageID #: 1497-1523](#)) in any form, seeks, *in limine*, to prohibit the use or admission of the report, and to prohibit Dr. Penn from testifying.

II.

James D. Petrick, Ph.D., a consulting clinical neuropsychologist, administered psychological assessments to Plaintiff on August 15, 2023. Dr. Petrick did not provide the raw data to Defense counsel at that time, and only provided select results to Dr. Penn for his review. Plaintiff's counsel attended Dr. Petrick's examination, but Plaintiff did not request the data until Friday, December 1, 2023. Defense counsel was unavailable to immediately respond to Plaintiff's request to provide the data, so Plaintiff filed the within motion ([ECF No. 77](#)) on Monday, December 4, 2023. In response, Defense counsel successfully contacted both Drs. Penn and Petrick on Tuesday, December 5, 2023. Dr. Petrick responded that he was traveling and would provide Defense counsel with the raw data upon his return to the office on Wednesday, December 6, 2023, and he did so. Defense counsel forwarded the raw data to Plaintiff's counsel on December 6, 2023. *See* Email String ([ECF No. 81-2](#)). Plaintiff possessed the raw data for 33

² Plaintiff's motion references an "attached email", however, no email is attached to [ECF No. 77](#).

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days before filing her Opposition to Defendants' Motion for Summary Judgment ([ECF No. 102](#)) on January 9, 2024.

III.

Plaintiff's stated basis for the objection and motion *in limine* is not supported by the facts. Accordingly, Plaintiff's Objection is overruled and Plaintiff's Motion *in Limine* ([ECF No. 77](#)) is denied.

IT IS SO ORDERED.

September 4, 2024
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge